

**5607. Misbranding of "Stone Root and Gin." U. S. \* \* \* v. 100 Cases \* \* \*, 5 Cases \* \* \*, and 10 Cases \* \* \* of Stone Root and Gin. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 6802. I. S. No. 16256-k. S. No. C-282.)**

On August 9, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 1 dozen quart bottles, 5 cases, each containing 2 dozen pint bottles, and 10 cases, each containing 4 dozen half-pint bottles, of "Stone Root and Gin," alleging that the article had been shipped on or about April 28, 1915, by W. L. Weller & Sons, Louisville, Ky., and transported from the State of Kentucky into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended.

It was alleged in substance in the libel that the article was misbranded for the reason that the statements appearing on its labels, to wit, " \* \* \* An excellent preparation for Kidney, Bladder, and all Urinary Troubles, also an efficient relief for Nervous Debility and Dyspepsia. As a tonic it has no equal. \* \* \*," were false and misleading and fraudulent, and that no ingredient or ingredients in the product were capable of producing the therapeutic effects claimed for it in the labeling and branding.

On August 30, 1915, the said W. L. Weller & Sons, claimants, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part "that all labels and marks whatsoever as to the present identity and contents of said article shall be removed" from each bottle and that in the event that said claimants "undertake the recompounding of the article," the same should be done under the supervision of a representative of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*